



EV 298497256 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/966,352  
Filing Date: September 28, 2001  
Applicant: Ben Herbert  
Group Art Unit: 1753  
Examiner: Kaj K. Olsen  
Title: ELECTROPHORESIS SYSTEM  
Attorney Docket: 2643-000001/US

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE OF ALLOWANCE AND FEES DUE  
AND NOTICE OF ALLOWABILITY**

This paper is filed in response to the Notice of Allowance mailed May 3, 2004 with a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) and a Notice of Allowability. Also included in this response are a summary of the telephone interview with the Examiner on April 29, 2004 and the appropriate Issue Fees.

**Patent Term Adjustment** is addressed on page 2 of this paper.

An **Interview Summary** begins on page 2 of this paper.

**Corrected Drawings** are addressed on page 2 of this paper, and drawings (10 sheets) follow page 3 of this paper.

The **Issue Fee** is addressed on page 3 of this paper.

### **Patent Term Adjustment**

The Notice of Allowance mailed on May 3, 2004 included a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), in which the P.T.O. calculated a term adjustment of 169 days. Without prejudice or waiver, Applicant is not challenging the P.T.O. calculated adjustment in the present paper.

Pursuant to 37 C.F.R. § 1.705(b)(2)(iii), Applicant believes that this application is not subject to a terminal disclaimer. \

### **Interview Summary**

The Examiner and Undersigned discussed the above-referenced patent application during a telephone interview on April 29, 2004. The Undersigned authorized the Examiner to cancel claims 8-22. It was agreed that the remaining pending claims were in condition for allowance.

### **Corrected Drawings**

In the present Notice of Allowability, the P.T.O. required submission of corrected drawings as replacement sheets, wherein the drawings are required to include changes set forth by the Examiner in an Objection to the drawings in the Office Action of August 8, 2003. Accordingly, Applicant is herein attaching replacement sheets (10 pages) of drawings which include all figures for the application. Applicant notes that amendments

to the drawings were proffered in the response to that Office Action, mailed October 29, 2003. In a subsequent office action of January 29, 2004, the Examiner withdrew the objection in view of the amendments. The figures of the present set of replacement sheets incorporate the amendments set forth in the Response of October 29, 2003.

**Issue Fee**

The present Notice of Allowance requests an Issue Fee and Publication Fee. In accordance with this request, enclosed herein is a completed Fee Transmittal Form (PTOL-85) and a check for \$1630 as payment for the Issue Fee of \$1330 and the Publication Fee of \$300. It is believed that the fees are timely filed and the application is in order for issuance. Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Should any questions arise, the PTO is requested to contact the undersigned attorney.

Respectfully submitted,

Date: July 21, 2004

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PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/966,352
	Filing Date	September 28, 2001
	First Named Inventor	Ben Herbert
	Art Unit	1753
	Examiner Name	OLSEN, Kaj K.
Total Number of Pages in This Submission	Attorney Docket Number	2643-000001/US

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) (10 sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Part B – Fee(s) Transmittal Response to Notice of Allowance and Fees Due and Notice of Allowability Return postcard</b>		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Saul L. Zackson	Reg. No. 52,391
Signature			
Date	July 21, 2004		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Saul L. Zackson	Express Mail Label No.	EV 298497256 US
Signature		Date	July 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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